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PATENT APPLN. NO. 10/809,848
RESPONSE UNDER 37 C.F.R. §1.111

JUN 11 2007

PATENT
NON-FINAL

REMARKS

Prior to discussing the rejections of the claims, applicants would like to thank the Examiner in charge of the present application, Examiner Angela Martin, for the courteous and helpful telephone interview extended to applicants' undersigned representative. The substance of the interview is discussed in detail hereinbelow.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda et al., EP 1244163 A1 (hereinafter: "Ikeda").

This rejection is based on an interpretation by the Office of the irregularities on the surface of the current collector of Ikeda meeting the limitation of the current collector surface projections "being shaped to have a recurved side face portion that curves more outwardly as it extends closer to a distal end of the projection" of the claims of the present application. The Office cites paragraph [0022] and Figs. 3-10, 13 and 14 of Ikeda as showing current collector projections which meet the limitations of the claims of the present application.

Applicants respectfully submit that Ikeda does not show or describe a current collector surface meeting the limitations of the claims of the present application.

As discussed during the interview, paragraph [0022] of Ikeda discloses that the projections on the current collector surface are preferably conical in shape (see also element 10a in Fig. 10(a)). A conically shaped projection cannot have a side face portion which curves more outwardly as it extends closer to a distal end of the projection side. A cone does not have a side face that curves.

A cone is defined as:

"1 a: a solid generated by rotating a right triangle about one of its legs -called also right circular cone b: a solid bounded by a circular or other closed plane base and the surface formed by line segments joining every point of the boundary of the base to a common vertex - see volume table c: a surface traced by a moving straight line passing through a fixed vertex."

(Merriam - Webster Online Dictionary ;
<http://mw1.merriam-webster.com/dictionary/cone>).

None of the definitions of the term cone encompass a structure having a shape in which a recurved side face portion curves more outwardly as it extends closer to a distal end thereof. The definition of a cone as being defined by the rotation of a triangle about one of its straight line legs; being formed by line segments; or being traced by moving a straight line eliminates a curved side

face portion from the scope thereof. Applicants also note that irregularities 10a in Figs. 13 and 14 of Ikeda curve only inwardly.

The photomicrographs of Figs. 3 to 9 of Ikeda, cited in the Action, were also discussed during the interview. During the interview, Examiner Martin also identified the photomicrograph Fig. 34 of Ikeda as possibly showing irregularities meeting the limitations of the current collector projections of the present application. Applicants' undersigned representative explained that each photomicrograph of the cited figures shows the silicon active material layer of Ikeda and not the current collector surface of Ikeda. Therefore, these figures cannot be relied upon to show that the current collector surface of Ikeda has projections meeting the limitations of the current collector surface projections of the present application.

The terminology "recurved" was also discussed in the interview. Examiner Martin explained that, when making the present rejection of the claims, she did not interpret the term "recurved" as having a definition that would be understood by a person of ordinary skill in the art since a definition of the term is not provided in the specification of the present application. Applicants' undersigned representative explained that the term

"recurved" has an ordinary dictionary definition, i.e., "curved backward or inward" (*Merriam-Webster Online Dictionary*; <http://mw1.merriam-webster.com/dictionary/recurved>). The recitation "curves more outwardly as it extends closer to a distal end of the projection" provides an orientation for the limitation "recurved" in the claims of the present application.

For the above reasons, Ikeda fails to disclose current collector projections being shaped to have a recurved side face portion that curves more outwardly as it extends closer to a distal end of the projections. The 35 U.S.C. 102(b) rejection of the claims must fail.

Removal of the 35 U.S.C. 102(b) rejection of the claims is believed to be in order and is respectfully requested.

Notwithstanding that Ikeda fails to anticipate the claims of the present application in their present form, independent claims 1, 3 and 12 have been amended to recite that the surface projections of the current collector are "shaped to have a recurved side face portion that curves inwardly from the base of the projection and curves [[more]] outwardly as it extends closer to a distal end of the projections". Claim 2 has been amended to delete the term "recurved" for consistency with the amendment to claim 1.

These amendments are supported by Figs. 1 and 2 of the present application.

Applicants note that the present amendments to the claims are not believed to be required to distinguish over Ikeda or to clarify the meaning of the claims. The amendments are believed only to restate limitations, and particularly the term "recurved", already present in the claims and do not further limit the claims.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension and any other required fees may be charged to our Deposit Account No. 111833.

Respectfully submitted,

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